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33- WP-1470-2017

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

33 WRIT PETITION NO. 1470 OF 2017

Shankar Punju Bhil And Another  
VERSUS  
The State Of Maharashtra And Others

...

Ms. Manisha R. Patil and Mr. M. L. Dharashive, Advocate for Petitioner.  
Dr. Kalpalata Patil Bharaswadkar, AGP for Respondent-State.  
Mr. R. D. Sanap, Advocate for Respondent No.4.  
Mr. S. B. Yawalkar h/f Mr. A. S. Sawant, Advocate for Respondent Nos. 6  
and 7.

CORAM : KISHORE C. SANT &  
SUSHIL M. GHODESWAR, JJ.

DATE : 15<sup>th</sup> APRIL 2026.

PC :-

1. Heard the learned Advocates for respective parties.
2. The petitioner has approached this Court with a case that he happens to be a person belonging to a scheduled tribe whose land was transferred by his ancestors, which is presently standing in the names of respondent No.6 and 7. Some part of land is already acquired by the authorities. It is his case that since he belongs to scheduled tribe, the land was wrongly transferred in favour of persons who do not belong to

scheduled tribe. It is thus the petitioner is entitled to restoration of the land and also to get the compensation to the extent of part acquired by the authorities. His further prayer is for direction to the authorities to decide his application pending before learned Sub-Divisional Officer, Dhule dated 19.10.2016.

3. The petition is vehemently opposed by learned Advocate Mr. Yawalkar for respondent No.6 and 7. He submits that he is not a direct transferee of the land from the ancestor of the petitioner. The property has remained as it is for many years. There is no document to show that the petitioner belongs to scheduled tribe. There is also no document to show in the records that the petitioner is in relation of the alleged ancestor who has transferred the land. He submits that the entire claim of the petitioner is totally false and bogus. No indulgence is required.

4. The learned AGP also opposed the petition. He submits that it is for the petitioner, firstly, to prove that he belongs to scheduled tribe and secondly that the transferor of the land was his ancestor.

5. Mr. Sanap, the learned Advocate for the respondent No.4, also opposed the petition. The competent authority has also filed reply in this

Court. It is the case of the competent authority that the amount is disbursed to a person in whose name the property was lying. He has given the details of the disbursement of the amount. He justifies the action of respondent No.4 in disbursing the amount to the person in whose name the property stood on the date of acquisition.

6. On hearing the parties and perusal of the petition and documents annexed thereto, this Court finds that the petitioner has not annexed any document in support of his case. He has also not produced anything to show that he belongs to scheduled tribe. Except for his averments, there is no material on record. We therefore find that the petitioner has failed to establish his case. So far as representation is concerned, we direct the learned Sub-Divisional Officer, Dhule to decide the representation dated 19.06.2016 within a period of two weeks from today strictly in accordance with law, if not already decided.

7. With these, writ petition stands disposed off.

**[SUSHIL M. GHODESWAR, J.]**

**[KISHORE C. SANT, J.]**